

REMARKS

This responds to the Office Action mailed on April 5, 2007.

Claims 1 and 8-14 are amended and no claims are canceled or added; as a result, claims 1-14 remain pending in this application.

Objection to the Specification

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter of the previous amendments to claims 1 and 9. Applicant does not agree with this assertion. However, Applicant has further amended claims 1 and 9. Support for these new amendments is provided below with the discussion of the rejections. Withdrawal of this objection is respectfully requested.

§101 Rejection of the Claims

Claims 9-14 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicant has amended claims 9-14 to change the claims from “machine-accessible medium” claims to method claims. Applicant respectfully submits that support for these amendments can be found throughout the specification. In particular, the claims as originally filed recite the method. Thus, Applicant respectfully requests entry of the amendments and withdrawal of the 35 U.S.C. § 101 rejection of claims 9-14.

§112 Rejection of the Claims

Claims 1-14 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

With regard to independent claims 1 and 9, the Office Action asserts that “the limitation ‘providing, by the client to the authorizer, the first certificate, directly in response to the authorizer accessing the universal resource identifier’” is supported by the specification. Although the word “directly” is not found in the specification, FIG. 4B and its description in paragraph [0021] provides sufficient support. For example, at 5, authorizer 400 performs an

HTTP ‘Get’ on the URI 416. The client 402 then retrieves 418 the first certificate using the URI at 6. The client 402 then returns 420 the first certificate to the authorizer 400 at 7. As can be seen in FIG. 4B, the client 402 provides the first certificate directly to the authorizer 400. There is no exchange of the certificate with the third party 404.

Nevertheless, Applicant has chosen to further amend independent claims 1 and 9 to clarify that the first certificate is sent from the client 402 directly to the authorizer 400. These amendments are intended to clarify that the third party 404 does not have any interaction with the first certificate, rather the first certificate is exchanged only between the client and authorizer. This amendment is not intended to say that there are no network routers, hubs, switches, or other devices that enable computing devices to communicate over a network. Thus, Applicant respectfully requests that the rejection based on the alleged lack of support for the term “directly” of independent claims 1 and 9 be withdrawn.

With regard to claims 9-14, the claims have been amended to recite a method. As mentioned above, the claims as originally filed included the method language. Further support can be found throughout the specification.

Thus, Applicant respectfully requests withdrawal of the 35 U.S.C. § 112, first paragraph rejections of claims 1-14.

Claims 1-14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Regarding independent claims 1 and 9, applicant has amended the claims to clarify that the term “directly” is directly from the client to the authorizer. No reference to time was intended. By moving the word “directly” within the claims, Applicant respectfully submits that the claims are now sufficiently clear.

Regarding claim 8, the Office Action sets forth three issues of indefiniteness:

1. Insufficient antecedent basis for the limitation “the client not providing the at least one first certificate.”
2. The limitation, “the client not providing the at least one first certificate,” is generally vague.
3. The usage of the term “revoking” contradicts “the art-accepted definition of the term.”

With regard to number 1, the Office Action further states, “[A]lthough there is a client, there is no mention of a client not providing the at least one first certificate.” Applicant respectfully traverses this rejection. Applicant respectfully submits that the client that is not providing the at least one first certificate has already been introduced in the second line of parent independent claim 1, from which claim 8 depends. Further, “the at least one first certificate” that is not being provided is also introduced in the second line of parent independent claim 1, from which claim 8 depends. Thus, because “the client” and “the at least one first certificate” have already been introduced, there is sufficient antecedent basis for these terms. The only remaining words in the recited portion of the claim are “not providing.” Applicant is introducing the “not providing” action at this point in the claim. The not providing is a further limitation on the term revoking and is performed by the client. Applicant is unsure how antecedent basis could be missing in this claim. Applicant respectfully requests clarification as to how antecedent basis is missing.

Regarding the assertion of general vagueness of number 2 above, there is no detail as to why the claim is vague. Thus, Applicant respectfully requests further information as to why the claim is viewed as vague to afford Applicant an opportunity to properly respond to the rejection.

Regarding the usage of the term “revoking” of number 3 above, applicant respectfully traverses the rejection. First, the Office Action asserts that the “art-accepted definition of the term, a certificate, or use thereof, can only be revoked by the issuer, and the client is not the issuer of the first certificate(s).” This is an evidentiary assertion. Applicant respectfully requests evidence be made of record to support this assertion as to what the “art-accepted definition” may be. However, considering such a definition is not necessary in view of the context of Applicant’s application where the terms “revoke” and “revoking” are used consistently with claim 8.

Nevertheless, Applicant has chosen to replace the term “revoking” with the term “preventing.” This amendment is not intended to change the scope of coverage of the claim, or any equivalents thereof. This amendment is merely made in good faith to move prosecution of this application forward.

Thus, Applicant respectfully requests withdrawal of the 35 U.S.C. § 112, second paragraph rejections.

§102 and § 103 Rejection of the Claims

Claims 1-9 and 12-14 were rejected under 35 U.S.C. § 102(e) as being anticipated by McGarvey (U.S. 6,643,774; hereinafter “McGarvey”).

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McGarvey in view of Eastlake et al. (“XML-Signature Syntax and Processing”; hereinafter “Eastlake”).

Claim 11 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over McGarvey in view of Ellison et al. (“SPKI Certificate Theory” hereinafter “Ellison”).

Applicant has amended independent claims 1 and 9 to specify that the client provides the at least one first certificate “directly to the authorizer.” As discussed above, FIG. 4B illustrates the authorizer 400 and the client 402 in direct communication with the first certificate. There is no interaction between the client and the third party with the first certificate. As can be seen in FIG. 4A and FIG. 4B, the only certificate interaction the third party has is with the second certificate. Thus, the third party as described in the specification and as explicitly claimed, has no interaction with the first certificate.

In contrast, McGarvey, as set forth in the previous Office Actions and Applicant’s responses, describes a system where the third party receives the certificate and then forward it on. This is not a two certificate system as claimed.

Further, McGarvey fails to provide as comprehensive of a security system as the present claims. The third party in McGarvey, having a copy of the certificate, may choose to hold the certificate for later use. In such situations, the third party may continue interacting as the client even though the client may not have authorized the third party to perform such tasks. In the present claims, each time the third party takes action, the third party’s authority to take the action

on part of the client needs to be verified. Applicant respectfully submits that this is not only a different solution than McGarvey, it is a more comprehensive solution. Thus, Applicant respectfully submits that claims 1-9 and 12-14 are patentable over McGarvey.

Applicant further submits that Eastlake and Ellison fail to cure the deficiencies of McGarvey. Thus, claims 10 and 11 are patentable for at least the same reasons as claims 1-9 and 12-14.

Applicant therefore requests withdrawal of the 35 U.S.C. §§ 102(e) and 103(a) rejections and allowance of claims 1-14.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION


Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6938 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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